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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,982

09/10/2003

Clark Edward Lubbers

STL11421

3967

7590

01/13/2006

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EXAMINER

FLOURNOY, HORACE L

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/658,982	LUBBERS ET AL.	
	Examiner	Art Unit	
	Horace L. Flournoy	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 (claims 12-15 cancelled) is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. **10/658,982** has a total of 24 claims pending in the application; there are 2 independent claims and 22 dependent claims, (claims 12-15 are cancelled) all of which are ready for examination by the examiner.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63**.

ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT

As required by **M.P.E.P. 609(c)**, the applicant's submission of the Information Disclosure Statement dated **12/15/2003** and **07/11/2005** are acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by **M.P.E.P. 609(c)**, a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by **Abrashkevich et al. (U.S PG Pub No. 2004/0221120 hereafter referred to as Abrashkevich).**

With respect to independent **claim 1**,

"A method of maintaining a directory [Abrashkevich discloses in paragraph [0002], "memory storage heap..."] for a data container [Abrashkevich discloses in the abstract, "A data structure, method and system are provided incorporating a general purpose memory allocator and defensive heap memory manager."] comprising: determining that a sparse directory structure is to be changed; [paragraph [0002], "A dynamic memory manager handles computer memory requests for allocating, freeing, reallocating, deallocating, and defragmenting available memory space within a memory

storage heap...”]and reconstructing said sparse directory structure into a fully populated directory structure.” **[Abrashkevich discloses in paragraph [0037], “...heap/pool header until it is filled completely...”]**

With respect to **claim 2,**

*”The method of claim 1 further comprising: determining that said fully populated directory structure **[Abrashkevich discloses in paragraph [0037], “...heap/pool header until it is filled completely...”]** is to be changed; **[paragraph [0002], “A dynamic memory manager handles computer memory requests for allocating, freeing, reallocating, deallocating, and defragmenting available memory space within a memory storage heap...”]** and reconstructing said fully populated directory structure into a sparsely populated directory structure.”*
[paragraph [0002], “...freeing... deallocating, and defragmenting available memory space within a memory storage heap...”]

With respect to **claims 3 and 17,**

*”The method of claim 1 wherein said sparse directory structure **[paragraph [0002], “...freeing... deallocating, and defragmenting available memory space within a memory storage heap...”]** comprises: a plurality of first directory entries comprising an address to one of said addressable spaces, **[paragraph [0027], “In a preferred embodiment, memory chunks are allocated from the end of the heap or pool (higher memory address) toward its header which is located (see FIG. 2) at the beginning of the heap or pool (lower memory***

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address).”] a descriptor, [paragraph 0022], “attribute sets”] and at least one link, said link being a pointer [paragraph 0003] to a different of said directory entries; [paragraph 0003], “linked list”] at least one bottom level list [Abrashkevich discloses in paragraph 0025], “When only one (the lowest) link level...”] comprising at least one of said plurality of first directory entries; at least one top level entry for each of said bottom level lists; and a top level list [paragraph 0034], “maxlevel”] comprising said top level entries.” [paragraph 0027], “In a preferred embodiment, memory chunks are allocated from the end of the heap or pool (higher memory address) toward its header which is located (see FIG. 2) at the beginning of the heap or pool (lower memory address).”]

With respect to **claims 4 and 22,**

“The method of claim 3 wherein said top level list [paragraph 0034], “maxlevel”] is a skip list.” [Abrashkevich discloses in paragraph 0025], “...the skip list becomes a well-known linked list.”] [paragraph 0027], “In a preferred embodiment, memory chunks are allocated from the end of the heap or pool (higher memory address) toward its header which is located (see FIG. 2) at the beginning of the heap or pool (lower memory address).”]

With respect to **claims 5 and 23,**

*"The method of claim 3 wherein said top level list **[paragraph [0034], "maxlevel"]** is a linked list."* **[Abrashkevich discloses in paragraph [0025], "... the skip list becomes a well-known linked list."]**

With respect to **claims 6 and 24,**

*"The method of claim 3 wherein said top level list **[paragraph 0034, "maxlevel"]** is a doubly linked list."* **[Abrashkevich discloses in paragraph [0031], "...skip lists become the usual doubly linked lists.]**

With respect to **claims 7 and 25,**

*"The method of claim 3 wherein said top level list **[paragraph 0034, "maxlevel"]** is an ordered array."* **[paragraph [0030], "...allocated memory chunks are ordered by their offsets in ascending order."]**

With respect to **claims 8 and 18,**

"The method of claim 3 wherein said bottom level lists are skip lists." **[Abrashkevich discloses in paragraph [0025], "When only one (the lowest) link level is used for all nodes in a list, the skip list becomes a well-known linked list."]**

With respect to **claims 9 and 19,**

"The method of claim 3 wherein said bottom level lists are linked lists." **[Abrashkevich discloses in paragraph [0025], "When only one (the**

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lowest) link level is used for all nodes in a list, the skip list becomes a well-known linked list.”]

With respect to **claims 10 and 20,**

“The method of claim 3 wherein said bottom level lists are doubly linked lists.” [Abrashkevich discloses in paragraph [0031], “...skip lists become the usual doubly linked lists.]

With respect to **claims 11 and 21,**

“The method of claim 3 wherein said bottom level lists are ordered arrays.” [paragraph [0030], “...allocated memory chunks are ordered by their offsets in ascending order.”]

With respect to independent **claim 16,**

“A data storage system comprising: a data storage container; [Abrashkevich discloses in the abstract, “A data structure, method and system are provided incorporating a general purpose memory allocator and defensive heap memory manager.”] and a controller that defines a sparse directory structure for said data container, determines that said sparse directory structure is to be changed, and reconstructs said sparse directory structure into a fully populated directory structure.” [paragraph [0002], “A dynamic memory manager handles computer memory requests for allocating, freeing, reallocating, deallocating, and defragmenting available memory space within a memory storage heap...”]

With respect to **claim 26**,

*“The method of claim 1, wherein the sparse directory structure of the determining step is formed by steps comprising: creating a first directory entry comprising a first address, and a first forward link; **[paragraph [0007]**, “...allocating a primary allocation of memory and a primary data structure associated with the primary allocation of memory, the primary data structure containing attributes describing the primary allocation of memory.” creating a second directory entry comprising a second address, and a second forward link; **[paragraph [0007]**, “...Further means for allocating a secondary allocation of memory associated with and pointed to by the primary allocation of memory, the secondary allocation of memory associated with a secondary data structure containing attributes describing the secondary allocation of memory.”] determining that said second directory entry is located after said first directory entry in said data container; **[paragraph [0006]]** defining said first forward link to link to said second directory entry; **[paragraph [0003]**, “...links to the left/right neighbors, etc.)” **See paragraphs [0025] – [0030]** creating a bottom level list that comprises said first directory entry and said second directory entry; creating a top level entry that comprises a link to said bottom level list, **[Abrashkevich discloses in the paragraph [0031], “to coalesce free chunks in constant time just by reconnecting the relevant links in both directions”] a lower range, and an upper range; [See paragraphs [0025] – [0030] analyzing said bottom level list to determine said lower***

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*range and said upper range of said top level entry; and creating a top level directory that comprises said top level entry.” **[paragraph [0027]**, “In a preferred embodiment, memory chunks are allocated from the end of the heap or pool (higher memory address) toward its header which is located (see FIG. 2) at the beginning of the heap or pool (lower memory address).”]*

With respect to **claim 27**,

*“The method of claim 26 wherein said first directory entry comprises a first backward link and said second directory comprises a second backward link, **[Abrashkevich discloses in the paragraph [0031]**, “to coalesce free chunks in constant time just by reconnecting the relevant links in both directions”]* the method further comprising: *determining that said first directory entry is located before said second directory entry in said data container; **[paragraph [0006]]** and defining said second backward link to link to said first directory entry.” **[paragraph [0003]**, “...links to the left/right neighbors, etc.)” See paragraphs [0025] – [0030]*

With respect to **claim 28**,

*“The method of claim 26 further comprising: creating a third directory entry comprising a third address, and a third forward link, **[paragraph [0007]**, “Additional means for allocating a tertiary allocation of memory associated with and pointed to by the secondary allocation of memory, the tertiary allocation of memory associated with a*

tertiary data structure containing attributes describing the tertiary allocation of memory.”] *said third address being between said first directory entry and said second directory entry; and adding said third directory entry by steps comprising: adding said third directory entry to said bottom level list; [paragraph [0031], “...one set of links connects the current node to the corresponding next and previous nodes from the skip list sequence sorted by offset and the other set of links connects the current node to the corresponding next and previous nodes from another sequence of nodes...”* Note: the examiner interprets a next node or previous node as analogous to any combination of 1st, 2nd, 3rd, etc. nodes or directory entries.] *determining that said third directory entry is located between said first directory entry and said second directory entry; and changing said first forward link to link to said third directory entry; [paragraph [0007]] and defining said third forward link to link to said second directory entry.”* **[Abrashkevich discloses in the paragraph [0031], “to coalesce free chunks in constant time just by reconnecting the relevant links in both directions”]**

CONCLUSION

Status of Claims in the Application

The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

Claims rejected in the Application

Per the instant office action, claims 1-28 have received a first action on the merits and are subject of a first action non-final.

Direction of Future Correspondences

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Horace L. Flournoy whose telephone number is (571) 272-2705. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:30 PM (ET).

Important Note

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Sparks can be reached on (571) 272-4201. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7239.

Information regarding the status of an Application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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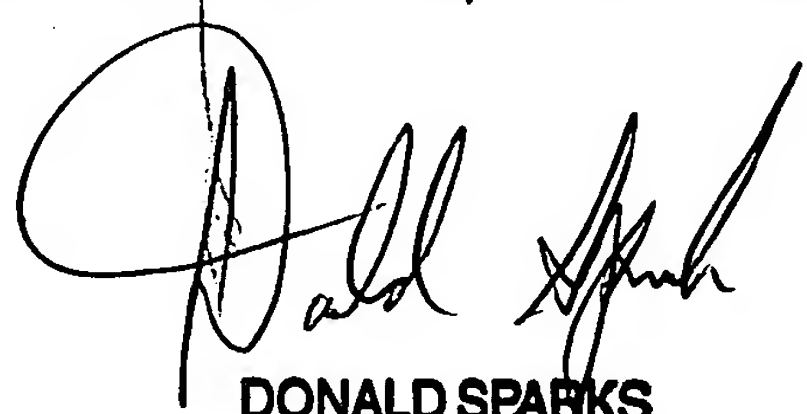
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Horace L. Flournoy

Patent Examiner

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DONALD SPARKS
SUPERVISORY PATENT EXAMINER